SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE LICENSURE

PROCEEDINGS

ORDER OF EXPUNGEMENT and CLOSING PROBATION

RE: KELLY HILES, RN

License No. R027213,

Licensee.

WHEREAS, Kelly Hiles ("Licensee"), is licensed to practice as a registered nurse in the State of South Dakota and holds license number R027213;

WHEREAS, Licensee voluntarily surrendered her License on a temporary basis through a July 20, 1998 consent order and voluntarily surrendered her License indefinitely through a February 3, 2000 consent order, based on conduct in violation of SDCL 36-9-49 (2), (7), and (10);¹

WHEREAS, the South Dakota Board of Nursing (Board) entered an Order of Reinstatement with Probation for Licensee's license on February 6, 2002, which probation was ordered to expire after 36 months of active practice and fully compliance with the probation conditions;

¹ Pursuant to SDCL 36-9-49, "In compliance with chapter 1-26, the board may deny an application for licensure or may deny, revoke, or suspend a license and may take other disciplinary or corrective action the board considers appropriate in addition to or in lieu of such an action upon proof that the applicant or licensee has:

⁽²⁾ Been convicted of a felony. The conviction of a felony means the conviction of any offense which, if committed within the State of South Dakota, would constitute a felony under its laws;

⁽⁷⁾ Violated any provisions of this chapter or the rules promulgated under it; {03516811.1}

WHEREAS, on October 4, 2019, Licensee made a written request that the Board expunge the former discipline on her unencumbered South Dakota nursing license.

WHEREAS, Licensee presented a Governor's Order Granting Pardon dated December 28, 2018, and Orders of Expungement dated May 29, 2019;

WHEREAS, the Governor's Order Granting Pardon is a legal mandate stating the felony offense never occurred and the felony conviction is entirely expunged from Licensee's record; and

WHEREAS, the Licensee was fully compliant with all of the terms and conditions of her former probation.

NOW THEREFORE, IT IS HEREBY ORDERED:

- 1. The Board has jurisdiction over the person of the Licensee and the subject matter of this Order.
- 2. The Licensee's former probation is hereby officially closed and has been closed since February 1, 2005. Since this date Licensee has had an unencumbered South Dakota license.
- 3. The grounds for Licensee's voluntary surrender consent orders based on violation of SDCL 36-99-49(2), conviction of a felony, is hereby expunged from the July 20, 1998 and February 3, 2000 orders. Any reference on Licensee's license of a felony conviction or reporting within the Board's jurisdiction shall be removed.

Dated this 2/5 day of October, 2019.

SOUTH DAKOTA BOARD OF NURSING

Gloria Damgaard, Executive Director